

107TH CONGRESS  
1ST SESSION

# H. R. 291

To compensate the Wyandotte Tribe of Oklahoma for the taking of certain rights by the Federal Government, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2001

Mr. MOORE (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

To compensate the Wyandotte Tribe of Oklahoma for the taking of certain rights by the Federal Government, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Wyandotte Tribe Set-  
5       tlement Act”.

6       **SEC. 2. FINDINGS AND PURPOSES.**

7       (a) FINDINGS.—Congress finds that—

8               (1) pursuant to the Treaty of January 31, 1855  
9               (10 Stat. 1159), the United States has held land in  
10              trust in Wyandotte County, Kansas, for the benefit

1 of the Wyandotte Tribe, a federally recognized In-  
2 dian tribe, continuously since 1855;

3 (2) the United States Supreme Court, in *Conley*  
4 *v. Ballinger* (216 U.S. 84 (1910)), determined that  
5 under the Treaty of 1855 the only rights in and to  
6 the Wyandotte trust land in Wyandotte County,  
7 Kansas, were tribal rights;

8 (3) since 1855, the United States has permitted  
9 a variety of permanent encroachments upon the Wy-  
10 andotte trust land, including, without limitation, the  
11 construction of nontribal buildings and a road on  
12 Wyandotte trust land;

13 (4) the United States Government has, through  
14 the enactment of section 125 of Public Law 105–83,  
15 taken from the Wyandotte Tribe the right of exclu-  
16 sive use and occupancy, including, without limita-  
17 tion, the right to conduct gaming on Wyandotte  
18 trust land in Wyandotte County, Kansas, and other-  
19 wise restricted the trust land’s use;

20 (5) the Wyandotte Tribe and the Unified Gov-  
21 ernment of Wyandotte County, Kansas, and Kansas  
22 City, Kansas, have entered into a Memorandum of  
23 Understanding, dated March 13, 1998 (hereinafter  
24 referred to as the “Settlement Agreement”), which  
25 among other things, resolves any and all disputes

1 arising from encroachments upon the Wyandotte  
2 Tribe's trust land; and

3 (6) the parties to the Settlement Agreement  
4 have agreed, that to implement the Settlement  
5 Agreement, it is in the best interests of both govern-  
6 ments for the Wyandotte Tribe to secure additional  
7 trust land within Wyandotte County, Kansas.

8 (b) PURPOSES.—The purposes of this Act are—

9 (1) to acknowledge the taking by the Federal  
10 Government of the valuable right held by the Wyan-  
11 dotte Tribe to exclusive use and occupancy of Wyan-  
12 dotte trust lands; and

13 (2) to compensate the Wyandotte Tribe for the  
14 taking by the Federal Government of the Tribe's  
15 rights of exclusive use and occupancy of Wyandotte  
16 trust lands by directing that the Secretary of the In-  
17 terior shall take into trust, in settlement of any and  
18 all land claims the Tribe may have arising out of the  
19 Federal Government's taking of the Tribe's right of  
20 exclusive use land occupancy of Wyandotte trust  
21 land, other land located within Wyandotte County,  
22 Kansas, to be acquired by the Wyandotte Tribe at  
23 the Wyandotte Tribe's own expense.

1 **SEC. 3. TRANSFER OF LAND; TAKING OF LAND INTO TRUST.**

2 (a) IN GENERAL.—Notwithstanding any other provi-  
3 sion of law, upon transfer of title from the Wyandotte  
4 Tribe to the Secretary of the Interior of a single parcel  
5 of contiguous real property located within Wyandotte  
6 County, Kansas, purchased by the Wyandotte Tribe, the  
7 Secretary of the Interior shall take such real property into  
8 trust for gaming purposes pursuant to section  
9 20(b)(1)(B)(i) of the Indian Gaming Regulatory Act, to  
10 be held for the benefit of the Wyandotte Tribe. Except  
11 for those actions authorized to be taken by the Secretary  
12 of the Interior pursuant to this section, nothing in this  
13 Act shall exempt the Wyandotte Tribe from any require-  
14 ments or provisions of any Federal law.

15 (b) SETTLEMENT OF CLAIMS.—The transaction and  
16 taking into trust of land by the Secretary of the Interior  
17 under subsection (a) shall be in settlement of any and all  
18 land claims the Wyandotte Tribe may have arising out of  
19 the Federal Government's taking of that tribe's right of  
20 exclusive use of land located within Wyandotte County,  
21 Kansas.

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